

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

STEPHEN LAMONT CROSBY

PETITIONER

VS.

CIVIL ACTION NO. 3:04-CV-898BS

DONALD CABANA AND JIM HOOD

RESPONDENTS

OPINION AND ORDER

This cause is before the Court on Petitioner Stephen Lamont Crosby's Objection to Report and Recommendation of United States Magistrate Judge ("Objections"). The Court has considered the Objections and all other relevant pleadings, and finds that the Objections should be denied.

This case arises out of Crosby's conviction and sentence by the Circuit Court of Rankin County, Mississippi, for the crimes of aggravated assault, kidnaping, and being a convicted felon in possession of a firearm. After exhausting his state court remedies, Crosby filed the subject Petition for Writ of Habeas Corpus (hereinafter "Petition") with this Court. Regarding this Petition, Magistrate Judge James C. Sumner rendered a Report and Recommendation (hereinafter "R and R") on April 12, 2006. The R and R was filed with the Clerk of the Court on the same day under docket entry no. 18. In the R and R, Judge Sumner found that Crosby asserted no valid arguments in support of granting his Petition. Accordingly, Judge Sumner recommended the dismissal of

Crosby's case. Through the subject Objections, which were filed with the Clerk of the Court on April 27, 2006, Crosby argues that the conclusions reached by Judge Sumner in the R and R were erroneous. The Objections are now ripe for consideration.

Under Federal Rule of Civil Procedure 72(a), a district judge has the authority to review a magistrate judge's order. Upon the filing of an objection to the magistrate judge's order, the district judge must review the order *de novo*. Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993) (citation omitted); 28 U.S.C. § 636(b). If the contents of the order are found to be clearly erroneous or contrary to the law, the order may be modified or set aside. Fed. R. Civ. P. 72(a).

After reviewing all relevant data, the Court finds that the conclusions reached by Judge Sumner in the R and R were neither clearly erroneous nor contrary to the law. Therefore, the R and R should be adopted and Crosby's Objections should be denied. These findings further require the dismissal, with prejudice, of Crosby's Petition.

IT IS THEREFORE ORDERED that the Report and Recommendation of Magistrate Judge (docket entry no. 18) is hereby adopted.

IT IS FURTHER ORDERED that Petitioner Crosby's Objections to Report and Recommendation of United States Magistrate Judge (docket entry no. 19) are hereby denied.

IT IS FURTHER ORDERED that Crosby's Petition for Writ of Habeas Corpus is hereby dismissed, with prejudice. A Final Judgment will be entered.

SO ORDERED this the 15th day of May, 2006.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

blj